

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

IN RE: Request of Blackstone Valley Surgicare (Appellant) for an Administrative Review of the Rhode Island Department of Health (State Agency) August 5, 2013 approval of the Application of Endoscopy Associates, Inc. for a Certificate of Need to establish a Freestanding Ambulatory Surgery Center.

NOTICE OF ADMINISTRATIVE REVIEW

In accordance with Chapter 23-15 of the General Laws of Rhode Island, 1956, as amended, and Section 17.0 of the *Rules and Regulations for the Determination of Need for New Health Care Equipment and New Institutional Health Services* (R23-15-CON), an Administrative Review has been scheduled at the request of the Appellant to administratively review the State Agency's approval of the Application of Endoscopy Associates, Inc. for a Certificate of Need to establish a Freestanding Ambulatory Surgery Center.

Pursuant to RIGL §23-15 and Section 17.0 of R23-15-CON, notice is herein given to the applicant, appellant and persons who participated in the proceedings before the State Agency. The Administrative Review will be initiated **Thursday, September 12, 2013 at 1:00 PM** in the Fourth Floor Legal Services Conference Room at the Department of Administration, One Capitol Hill, Providence, Rhode Island. The purpose of this meeting will be to open the Administrative Review and to discuss procedural matters. Procedures for this Administrative Review will be in accordance with the provisions of RIGL §23-15 and section 17.0 of R23-15-CON. Particularly involved in this Administrative Review are RIGL 23-15-4 and RIGL 23-15-6 as well as Sections 2.0, 3.0, 4.0, 9.0, 10.0, 13.0 and 17.0 of the R23-15-CON.

Pursuant to Section 17.5 of R23-15-CON, the grounds and scope of the Administrative Review are limited to demonstrating that the substantial rights of the appellant have been prejudiced because the state agency findings, inferences, conclusions, or decisions are: a) in violation of constitutional or statutory provisions; b) in excess of the statutory authority of the agency; c) made upon unlawful procedure; d) affected by other error of law; e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

The issues involved in this Administrative Review are whether the decision of the State Agency should stand when measured against the grounds and scope of administrative review criteria set forth in Section 17.5 of R23-15-CON.



Michael K. Dexter
Chief
Office of Health Systems Development